



State of New Hampshire
Consumer Protection and
Antitrust Bureau

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Special points of interest:

- How to guard against identity theft
 - Tips for purchasing a healthy dog...your rights under New Hampshire law
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The Consumer ADVOCATE

Fencing contractor sentenced to one year for defrauding customers

Attorney General Kelly Ayotte announced that the Merrimack County Superior Court sentenced Richard Nelson, d/b/a Nelco Fence, to one year in the Merrimack County House of Corrections, all but 45 days suspended. Nelson was convicted of taking deposits from consumers to construct fencing, but failing to complete the agreed upon work, and failing to refund deposits. The State charged Nelson with violations of the New Hampshire Consumer Protection Act.

In addition to the jail time, the Court's sentence requires that Nelson make payment on all outstanding civil judgments against him filed by consumers in various state courts. Nelson is also prohibited from

accepting deposits for work until such work is substantially completed.

Attorney General Ayotte said "This case demonstrates that my office takes seriously crimes that are committed against New Hampshire consumers. Anyone who violates the Consumer Protection Act is subject to civil or criminal penalties. We will continue to take action against businesses that deceive and victimize consumers."

Consumers who suspect a contractor has violated the New Hampshire Consumer Protection Act can contact the Consumer Hotline at (603) 271-3641 to speak with a Consumer Affairs Specialist.

Tips for guarding against identity theft

Identity theft costs consumers millions of dollars annually in fraudulent financial transactions and pirated credit. Here are some tips you can implement to guard against identity theft.

- ♦ Do not give out personal information on the phone, through the mail or over the Internet unless you have initiated the contact or are sure you know with whom you are dealing. Identity thieves may pose as representatives of banks, Internet service providers (ISPs) and even government agencies to get you to reveal your social security number, mother's maiden name, account numbers, and other identifying information. Before you share any personal information, confirm that you are dealing with a legitimate organization.
- ♦ Do not carry your social security card;

leave it in a secure place.

- ♦ Guard your mail and trash from theft.
 - ◇ Deposit outgoing mail in post office collection boxes or at your local post office, rather than in an unsecured mailbox.
 - ◇ Promptly remove mail from your mailbox. If you are planning to be away from home and cannot pick up your mail, call the U.S. Postal Service at 1-800-275-8777 to request a vacation hold. The Postal Service will hold your mail at your local post office until you can pick it up or are home to receive it.
- ♦ To thwart an identity thief who may pick through your trash or recycling bins to capture your personal information, tear or shred your charge receipts, copies of credit applications,

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insurance forms, physician statements, checks and bank statements, expired charge cards and credit offers you get in the mail. If you do not use the pre-screened credit card offers you receive in the mail, you can opt out by calling 1-888-5-OPTOUT (1-888-567-8688) or logging onto the Internet site www.optoutprescreen.com. Please note that you will be asked for your Social Security number in order for the credit bureaus to identify your file so that they can remove you from their lists. You still may receive some credit offers because some companies use different lists from the credit bureaus' lists.



- ◆ Give your social security number only when absolutely necessary. Ask to use other types of identifiers when possible. If your health insurance company uses your social security number as your account number, ask it to substitute another number.
- ◆ Pay attention to your billing cycles. Follow up with creditors if your bills do not arrive on time. A missing bill could mean an identity thief has taken over your account and changed your billing address to cover his tracks.
- ◆ Be wary of promotional scams. Identity thieves may use phony offers to get you to give them your personal information.
- ◆ When ordering new checks, pick them up at the bank, rather than having them sent to your home mailbox.
- ◆ Virus protection software should be updated regularly, and patches for your operating system and other software programs should be installed to protect against intrusions and infections that can lead to the compromise of your computer files or passwords. Ideally, virus protection software should be set to automatically update daily or weekly.
- ◆ Do not open files sent to you by strangers, or click on hyperlinks or download programs from people you do not know. Be careful about using file-sharing programs. Opening a file could expose your system to a computer virus or a program known as spyware which could capture your passwords or any other information as you type it into your keyboard.

- ◆ Use a firewall program, especially if you use a high-speed Internet connection like cable, DSL or T-1 that leaves your computer connected to the Internet 24 hours a day. The firewall program will allow you to stop uninvited access to your computer. Without it, hackers can take over your computer, access the personal information stored on it, or use it to commit other crimes.

Consumers should also be aware that beginning in September, a recent change to the Fair and Accurate Credit Transaction Act (FACTA) will allow New Hampshire consumers to request a copy of their credit report once every 12 months free of charge. Credit reports should be carefully reviewed for inaccurate information and evidence of fraudulent transactions.

If you suspect that you have become the victim of identify theft, you should immediately take the following steps. Place a fraud alert on your credit reports and review your credit reports. Close any accounts that have been tampered with or opened fraudulently. If your checks have been stolen or misused, close the account and ask your bank to notify the appropriate check verification service. File a report with your local police or the police in the community where the identify theft took place. File a complaint with the Federal Trade Commission (FTC)

Below is a list containing contact information for the three major credit bureaus and the Federal Trade Commission.

- ◆ **Equifax:** P.O. Box 740241
Atlanta, GA 30374-0241
1-800-525-6285
www.equifax.com
- ◆ **Experian:** P.O. Box 2002
Allen, TX 75013
1-888-EXPERIAN (397-3742)
www.experian.com
- ◆ **TransUnion:** Fraud Victim Assistance Division
P.O. Box 6790
Fullerton, CA 92834-6790
1-800-680-7289
www.transunion.com
- ◆ **Federal Trade Commission:**
Toll-free 1-877-IDTHEFT
or 1-877-438-4338
TDD: 1-202-326-2502
www.ftc.gov/ftc.complaint.htm

If you have been victimized by identity theft, call the New Hampshire
Consumer Protection Hotline for more information.
(603) 271-3641





Ask Ms. Consumer Protection

Q. Friends of mine purchased a dog from a local pet store. Only after bringing the dog home did they discover how sick the dog was. I'm thinking of buying a dog for my children. I have some questions about how I can protect myself when purchasing a dog.

Pet health care can cost thousands of dollars. You're wise to take the time to ensure that the dog you're buying is healthy and free of disease and birth defects. Pet stores and breeders have different obligations regarding the sale of unhealthy pets.

Q. What is an "official health certificate"?

A. An "official health certificate" means a certificate issued by a licensed veterinarian within 14 days of the date of purchase and must contain the name and address of the breeder, the age, sex, breed and description of the dog, and a list of all types of vaccines or medication administered to the dog and the certification of the veterinarian that the dog is free from visual evidence of communicable disease such as kennel cough, canine distemper, and external and internal parasites. The seller must provide you with an official health certificate. (RSA 466:6-a)

Q. If the dog has been issued a health certificate, can I get him at seven weeks old or sooner?

A. No dog shall be offered for sale less than eight (8) weeks of age (RSA 437:10).

Q. Can I have the dog examined by an independent veterinarian?

A. Yes. Within 14 days of sale, you may have the animal examined by a licensed veterinarian selected by you.

Q. What happens if the dog becomes sick?

A. If the dog is purchased from a pet shop or commercial kennel and is found to be diseased, you are entitled to: 1) return the dog for a replacement, or 2) at your option, a full refund of the purchase price upon return of the dog to the licensee within two business days of the examination and accompanied by the veterinarian's certificate (RSA 437:13).

Q. What is a "commercial kennel"?

A. Any person, business, corporation or other entity who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of their gross annual income from the sale or transfer of dogs is considered a "commercial kennel".

Q. What are my rights if I purchase the dog from a breeder?

A. Although the law states that no dog shall be sold by a breeder without first being inoculated against infectious canine diseases, breeders are not required by law to replace the dog or offer a full refund of the purchase price if the dog becomes sick. Any agreement to this effect between you and the seller should be in writing.

Q. What is the difference between an official health certificate and a veterinarian's certificate?

A. An official health certificate is provided to you by the seller. A veterinarian's certificate is obtained by the buyer following examination by a licensed veterinarian.

Q. Is cruelty to animals a crime?

A. Yes. Cruelty to animals is considered a misdemeanor for a first offense and a class B felony for a second or subsequent offense. (RSA 644:8).



Concerns regarding the health and sanitation or inhumane treatment of animals should be reported in writing to the State Department of Agriculture, Markets & Food, Division of Animal Industry
271-2404.



**DEPARTMENT OF JUSTICE
CONSUMER PROTECTION AND
ANTITRUST BUREAU
33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301**

**Phone: 603-271-3641
Fax: 603-223-6203
WWW.DOJ.NH.GOV/CONSUMER**

The New Hampshire Consumer Protection and Antitrust Bureau

The Consumer Protection and Antitrust Bureau protects consumers from unfair or deceptive business practices in New Hampshire. When businesses misrepresent, do not provide services, or provide poor quality services or products to consumers, the Consumer Protection and Antitrust Bureau will question the business's practices, and may, if necessary, take the business to court and seek civil or criminal sanctions.

The staff of the Consumer Protection and Antitrust Bureau takes phone calls from 8 a.m. to 5 p.m. each weekday. The Consumer Hotline can be reached at (603) 271-3641. While this Bureau cannot offer legal advice, we can often offer suggestions to help resolve complaints between consumers and businesses, and we have a list of referral offices that are helpful with specific types of complaints.